

Briefing Memo

The purpose of this column is to respond to reader interests in security issues and at the same time to promote a greater understanding of NIDS.

A “briefing” provides background information, among others. We hope these columns will help everyone to better understand the complex of issues involved in security affairs. Please note that the views in this column do not represent the official opinion of NIDS.

Current State of Intelligence and Intelligence Issues in Japan

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Introduction

In September 2005, the Ministry of Foreign Affairs released a document entitled *Roundtable on Strengthening Foreign Information Gathering*. It voiced concern about the Japanese government’s current information-gathering capabilities, and recommended that the Ministry of Foreign Affairs be the main group for the gathering and analysis of foreign intelligence. After that, however, the *Sankei Shimbun* newspaper reported that the document specifically proposed “posting 30 people to 30 countries, including the United States, United Kingdom, and China, and boosting that to 100 people within five years,” which caused alarm in China. The official newspaper of the Chinese People’s Liberation Army reported it under the headline “Japan to Send 100 007’s Overseas.”

Meanwhile, the suicide in Shanghai of a Japanese consulate official was widely reported in the mass media starting in 2005 and extending into 2006. This incident occurred in May 2004, when an official of the Japanese consulate in Shanghai was coerced by Chinese intelligence authorities into divulging diplomatic secrets. And in 2006, media attention focused on a leak of confidential data from the Maritime Self Defense Force.

Issues surrounding Japan’s intelligence (although in the narrow sense this term refers to “information,” here I take it to mean knowledge necessary for state policy, and related support activities) did not begin with these incidents, and a number of reform proposals and recommendations have appeared in response. Recommendations regarding the development of Japan’s intelligence structure can be found, for example, in the above-mentioned Ministry of Foreign Affairs report, in the Council on Security and Defense Capabilities Report (Araki Report) presented to the Prime Minister in October 2004, and in the three-party agreement made in 2004 among the Liberal Democratic Party, Komeito, and the Democratic Party of Japan, toward the establishment of an Emergency Basic Law (tentative name).

At present, however, it cannot be said that any of these recommendations have been implemented,

and no major changes have been seen in Japan's intelligence structure. Why is this? One reason may be the rampant sectionalism that exists between the various ministries and agencies, and another reason may be the issue of intelligence security.

Every time something like the above Shanghai incident occurs, we hear calls that "Japan should have its own intelligence agency." But this is an opinion that is completely unrealistic. Intelligence activity is a sector involving a complex interweaving of intelligence gathering, analysis, sharing, and counter-intelligence, and the single solution of "establishing a new intelligence agency" would have difficulty dealing with all of these issues. For example, the Ministry of Foreign Affairs foreign intelligence concept involves collection, while the Shanghai and MSDF incidents involve security and counter-intelligence. Moreover, the Shanghai incident was not only a security issue. It also instigated issues of sharing, in that the information was not communicated to the Prime Minister's Office.

The topic of Japan's intelligence today can probably be examined through the above categories of collection, security, and sharing. This paper considers each of these points in turn.

Collection

When "intelligence" is mentioned, the image that first arises is surely that of collection activities. While Japan's activities in the collection sector are probably inadequate, they are not at all non-existent.

The organizations currently engaged in collection in Japan include the Cabinet Intelligence and Research Office, which functions as a central intelligence group (about 170 people), the Cabinet Satellite Intelligence Center, which gathers satellite imaging intelligence (about 300 people), the Ministry of Foreign Affairs Intelligence and Analysis Service, which handles foreign intelligence (about 80 people), the Ministry of Defense's Defense Intelligence Headquarters, which gathers and analyzes imagery and communications intelligence, etc. (about 2,300 people), the Metropolitan Police Department's Foreign Affairs and Intelligence Division, which performs domestic intelligence gathering (about 100 people), and the Public Security Intelligence Agency, which monitors international terrorism, etc. (about 1,500 people), for a total staff number in excess of 4,000 people. While this number pales in comparison with the US Central Intelligence Agency (CIA) (about 17,000 people), it is actually about the same as the combined staff numbers for the UK's world-famous SIS (MI-6) (about 2,000 people) and MI-5 (about 2,000 people), so that Japan's intelligence staff levels cannot really be said to be all that under-sized. The Ministry of Foreign Affairs document proposes adding a further 100 people to these staff numbers to increase collection activities overseas.

While, generally speaking, the more manpower involved with intelligence the better, achieving an increase is difficult at a time when the Ministry of Foreign Affairs' foreign intelligence-gathering proposal has already become a target for suspicion in China. Moreover, it is unclear whether the minister can recruit 100 professionals with the requisite expertise, and what sort of training or career

path will be available for them within the ministry.

At the present time, Japan is comparatively more active in technical intelligence gathering than human intelligence gathering. Technical intelligence refers to satellite imaging intelligence and signal intelligence obtained by the Cabinet Satellite Intelligence Center and the Defense Intelligence Headquarters. Since these organizations can gather information from overseas without moving from Japan, they are daily gathering huge amounts of intelligence.

Security

The Shanghai Incident was not the first of its kind. While the problem is rooted in insufficient counter-intelligence activities by Japan, the deeper issue can be traced back to inadequate laws.

Before World War II, Japan had stern penalties for the leaking of state secrets, with the Military Secrets Protection Law and the National Defense Security Law mandating “sentences of death, life in prison, or three years or more imprisonment,” and these penalties were applied in the famous Sorge Incident. With the end of the war, however, these laws were abolished, and since that time Japan has not had any systematic spy prevention law for preventing the leakage of state secrets. As a result, when the Rastoborov Incident came to light in 1954, the vice minister of foreign affairs suspected of collaboration was arrested on the charge of disclosure of confidentiality by a national civil servant (imprisonment of one year or less). Perhaps encouraged by this lax legal system, the former Soviet Union embarked on a long series of similar spy incidents, including the Kononov Incident (1971), the Kozlov Incident (1981), and the Levchenko Incident (1983).

In the Ministry of Defense, as well, there were no clear penalties in the postwar period for the leakage of military secrets until November 2002, when the penalties for security of confidentiality were strengthened during a partial revision of the Self Defense Force Law. Under the revised Self Defense Force Law, national civil servants, which include members of the Cabinet, and private-sector businesses, can be targeted with penalties of five years or less, while “special defense secrets” regarding intelligence provided by the United States under the Japan-US Mutual Defense Assistance Agreement (MDA Agreement) can be subject to penalties of 10 years or less, which is evidence of progress in relation to on-site security.

However, a legal structure and counter-intelligence organization that can cover all secrets held by the state overall remains undeveloped, and this is a factor impeding the smooth sharing of intelligence between ministries and agencies. In these conditions, there is little counter-intelligence training within institutions that handle state secrets, which can lead to a relaxation of awareness regarding the handling of confidential information. This is likely the remote cause leading up to the Shanghai Incident or the leak of MSDF data.

Furthermore, this situation impedes the promotion of intelligence exchanges with other countries. The Armitage Report released in 2000 recommended increased cooperation between Japan and the United States in the intelligence sector, and called on the Japanese government to promote more sharing of intelligence within the government and to secure popular and political support for the

establishment of a secrets protection law. The problem lies in whether public opinion will support such a law.

Although not in the defense or diplomatic sectors, the Japan-US Mutual Legal Assistance Treaty signed in August 2003 has made it possible for Japanese and US investigative institutions to exchange information directly with each other for crime investigations or terror prevention, and demonstrates that the United States has come to show a certain degree of understanding.

Sharing

Probably the largest bottleneck in Japan's current intelligence activities is this issue of sharing. At the present time, the Cabinet Secretariat has two parallel intelligence organizations, the Cabinet Intelligence and Research Office (CIRO) and the Joint Intelligence Council. But while these two organizations are intelligence aggregating institutions, they do not have the ability to aggregate intelligence and deliver it to the Prime Minister's Office. This is because neither the CIRO nor the Joint Intelligence Council has secured complete authority over the handling of intelligence.

For example, Yoshio Omori, who served as head of the CIRO, once said, with a touch of irony, that "in the four years I was there, I was never once shown a public telegram from the Ministry of Foreign Affairs." One thing that became clear from the Shanghai incident was that intelligence regarding that affair never reached the Prime Minister's Office from the CIRO.

The Joint Intelligence Council, meanwhile, meets once every two weeks, and while suitable for exchange of simple intelligence, it is not a place for intelligence evaluations. Minutes of meetings are not taken, and the event has become nothing more than a place for representatives of the various ministries and agencies to see each other's faces. The Joint Intelligence Council is really just an ad hoc group that does not even have an office of its own.

In the United Kingdom, for example, the Joint Intelligence Committee (JIC) meets weekly for the evaluation and study of detailed intelligence. The UK's JIC has an office inside the Cabinet Secretariat and functions well as an intelligence aggregation institution because it brings 30 or 40 of the best-and-brightest individuals from the various ministries and agencies together to analyze intelligence. In addition, because the intelligence infrastructure is well-developed, intelligence officers from each of the ministries and agencies can use the JIC to obtain feedback from the other ministries and agencies, and to promote the sharing of intelligence between ministries and agencies.

Conclusion

The pending issues facing Japan's intelligence lie in the areas of intelligence security, and sharing. As collection is already taking place to some extent, the Ministry of Foreign Affairs recommendation is probably not really so urgent. To use a familiar example, since a sharp increase in income is not expected anytime soon, the policy should be to reduce expenditures and to utilize income more effectively.

While issues of information sharing have not yet come to the surface, these will need to be

resolved before they become serious problems. In particular, the rampant sectionalism between ministries and agencies needs to be toned down. During the Pacific War, the Japanese Army actually succeeded in deciphering US advanced codes but then neglected to hand over that knowledge to the Japanese Navy, which had the task of directly confronting US forces. This dreadful situation, of course, was a direct result of the deep sectionalism that existed between the Army and Navy.

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